

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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MINUTES
Residential Care Facility Advisory Committee
Wednesday April 2, 2008
Office of the State Fire Marshal, Sacramento, California

PRESENT:

Ernie Paez, Chair, Office of the State Fire Marshal (SFM)
Stephen Hart, Co-Chair, Office of the State Fire Marshal (SFM)
Greg Lake, Sacramento Metropolitan Fire Department
Jim Pettigrew, SoCal Fire Prevention Officers Association
George Miller, CRCAC
John Avis, Department of Social Services (DSS-CCL)
Cristina Flores, Cristina's Care Homes
Heather Harrison, California Assisted Living
Joe Garcia, Tulare County Fire
Edward J. Garza, Small Provider Alliance
Bob Gebel, LAAFMA
Tricia Nishio, Department of Social Services (DSS-CCL)
Doug Pancake, Irwin Pancake Architects
Joe Rodrigues, Department of Aging (CDA)
Christin Hemann, Aging Services of Ca. (fill-in)
Steve April, Contra County Fire Department

ABSENT:

Ken Rohde, Erickson Retirement Community
Charles Skoien, CRCAC
Richard Friend, Friend's Home Care
Rocque Yballa, California Fire Chiefs Association
Eric Dowdy, Aging Services of California
Kent Miller, NorCal Fire Prevention Officers (FPO)
Thomas Stahl, Department of Social Services (DSS)
Denise Johnson, CRCAC
Diane Arend, Office of the State Fire Marshal (SFM)
Steve Guarino, Office of the State Fire Marshal (SFM)

STAFF: Kevin Reinertson, Office of the State Fire Marshal (SFM)
Vickie Sakamoto, Office of the State Fire Marshal (SFM)

I. CALL TO ORDER

Ernie Paez, Chair, called the meeting to order at **1007** hours at the Office of the State Fire Marshal (OSFM) Headquarters, 1131 S Street, Sacramento, California.

II. INTRODUCTIONS

Each attendee gave a brief description of their background and the organization they represent.

III. APPROVAL OF MINUTES

April 2, 2008

Action: Joe Garcia made a motion to approve; Greg Lake second that motion; all in favor, none opposed; motion carried.

IV. GENERAL DISCUSSION:

1. **1015** – Gave the Committee an update on the March 24, 2008 Residential Care Facility – Ad Hoc Committee. The committee was formed to review the regulations that are currently in the 2007 California Building Code. Minutes for the March 24, 2008 meeting are posted on the SFM web-site.

Joe Garcia briefed the committee on the following items:

Definition - The new code states that I-1's "may contain more than six non-ambulatory and/or bedridden clients. There was much discussion about this issue from the perspective that the original code group that worked on the RCF's did not address the issue of bedridden in the larger facilities, only in the smaller facilities. Therefore, they did not intend that a large facility housing all non-ambulatory would replace the non-ambs with all bedridden clients. Further, there was great discussion on the verbiage "may" as being permissive rather than mandatory. The discussion on this revolved around the local AHJ's ability, because of the language, to deny a fire clearance for bedridden. It was agreed by the group that the argument can be made by the provider that the same "permissive" language would allow him to change to bedridden. In the end, the group decided that the local AHJ would not have a valid argument to deny the inclusion of bedridden in the large facilities. The group discussed the fact that the construction and fire protection elements of a Group I-1 facility will be the same as a Group I-2 (hospital) facility. Therefore, the group was satisfied with the definition of the 2007 CBC and concurred to leave it as is.

Joe Garcia motioned that the SFM put out a code interpretation to clarify the term "may" as used in 2007 CBC Section 308.2 Steve Hart second that motion, all were in favor no one opposed (action needed)

Minimum Construction – Table 503, allows Type V-A construction to be up to three stories. While this is fine for facilities housing only children and adults, it is contrary to Health and Safety Code Section 13131.5 which limits facilities housing more than six non-ambulatory elderly to two stories for Type V-A construction. Much discussion was held about this issue and how to fix it.

The end result was that the group agreed to recommend a footnote to Table 503 which would place an asterisk on I-1's in the Group column. This would lead to a new footnote "f" which would read, "For RCFE's, refer to Health and Safety Code Section 13131.5". (action needed)

Smoke Barriers – CBC Section 425.5.2 requires smoke barrier framing to be covered with non-combustible material with thermal barrier index of not less than 15. There was great discussion on this as this is a new requirement for smoke barrier walls in RCF's that was not in the previous code. Nor was this requirement discussed by the code groups that dealt with the RCF issues as the 2007 code was being adopted by the SFM. No one seems to know how this requirement got into the new code as it is not a requirement for Group I-1's in the 2006 IBC, nor is it a requirement for Group I-2's in the 2007 CBC, nor is it a requirement in the 2006 NFPA #101.

Consequently, the group decided that since the intent of the code is to provide a smoke separation and not a fire barrier, the requirement for the thermal barrier should be deleted from the code. (action needed)

Rest of Pertinent Sections for Group I-1's - The group reviewed each section and decided that the rest of the I-1 sections are valid and should remain as they are without amendments.

1100 – Dave Dodds – Department of Developmental Services gave a report on the closing of Agnews Developmental Center and the development of the Senate Bill (SB) 962 homes, which are designed for consumers with specialized health care needs. To date, the housing developer has acquired 60 of the 61 properties needed to house the transitioning Agnews residents.

1235 – Kevin Reinertson gave an update on regulations package that has been submitted by SFM. 45 day public comment period began Friday March 28th and will end May 12th. It is anticipated that the Buildings Standards Commission will see the SFM package sometime in July or September. Publishing date should be May 1.

1245 – Doug Pancake had two issues to bring up, first was the accessibility compliance for bathroom accessibility in the units. Doug stated that some jurisdictions are looking at the I-1 occupancy and applying the I occupancy accessibility requirements from Chapter 11B when in fact by statute these are residential in nature and the applicable chapter should be 11A. Kevin Reinertson stated that SFM, HCD, and DSA are working together to resolve the issue, and hopefully put out a joint information bulletin clarifying the accessibility issues for the I-1 occupancy. Kevin stated that this is not a committee issue and is solely a DSA and HCD issue. The other issue was that some jurisdictions are using the issue of staffing levels and fire evacuation plans as a basis for signing or not signing the fire clearance for bedridden residents at a particular facility regardless if the facility meets the building standards or not. He noted that these requirements are not addressed in the building code. The committee agreed that the 850 fire clearance is for the fire department to determine if the facility meets the building standards as set forth in the building code and report that to licensing who issues the license to the facility.

1:45 – Ernie Paez passed out a packet of code interpretations (08-008, 08-009, 08-014, 08-017, 08-020, 08-021) to the committee for review and approval. There was much discussion about when an existing facility would have to meet the requirements of the newly adopted 2007 CBC. The committee decided that we could not move forward with approving 08-009, 08-017, and 08-020 until a code interpretation is issued clarifying 2007 CBC Chapter 111.5.1 which states *Licensed 24-hour care in a Group I-1 or R occupancy in existence and originally classified under previously adopted state codes shall be re-inspected under the appropriate previous code, provided there is no change in the use or character which would place the facility in a different occupancy group.*

A motion was made by Jim Pettigrew to not approve 08-009, 08-017, and 08-020 until a code interpretation is issued by the SFM on 2007 CBC Chapter 111.5.1. Greg Lake second, all were in favor. (action needed)

ROUNDTABLE

Steve Hart commented that he was pleased to see that the committee is moving forward and clarifying a lot of issues that have been on-going for many years.

Tricia Nishio commented that we should try and not use too many acronyms in our posting since these are read by the public and other state agencies. All agreed. Ernie Paez stated that it was our way of trying to keep everyone confused....Ha! Ha! Licensing has reformatted and renumbered the RCFE regulations and an information release from licensing is forthcoming.

Jim Pettigrew stated that he was concerned that the code allows a 6 or less (R3.1) facility to install a 13D fire sprinkler system where bedridden are being housed. A 13D system allows for the elimination of sprinklers in attics and garages. He also mentioned that in the larger facilities a 13R system is also allowed which also allows the exemption of sprinklers in certain areas also.

V. SET MEETING DATE(S)

Next meeting **Not set** 1000 at the Office of the State Fire Marshal located at 1131 S Street, Sacramento Ca.

VI. MEETING ADJOURNMENT

Meeting adjourned at 1505 hours.

Meeting Minutes Developed by:

Ernie Paez, Chief

Fire & Life Safety Division - South

CAL FIRE/OFFICE OF THE STATE FIRE MARSHAL

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